

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

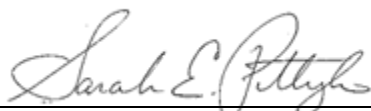
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 4:20-cr-00486-SEP
	)	
MARIO LONG,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Before the Court are Defendant Mario B. Long, Sr.'s Motion to the Court for a Scheduled Full Hearing Under Rule 37 Relief Pending Appeal, Doc. [237], and Motion to Vacate Sentence Pursuant to Rule 37 Relief Pending Appeal, Doc. [238]. Long has appealed his conviction for being a felon in possession of a firearm to the Eighth Circuit Court of Appeals. *See United States v. Long*, No. 24-1267 (8th Cir.). He also filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody in this Court. *See Long v. United States*, No. 4:24-cv-00746-SEP (E.D. Mo.), Doc. [1]. The § 2255 motion was dismissed without prejudice as premature because the direct appeal is pending. *Id.* at Doc. [3]. Long now asks the Court to vacate his sentence pursuant to Federal Rule of Criminal Procedure 37. Under Rule 37, “[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending,” a court may make an indicative ruling stating “that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.” Fed. R. Crim. P. 37(a). Rule 37 does not provide a basis for the relief sought by Long. To the extent that Long intended his Rule 37 motion to apply to his § 2255 motion, that is a separate proceeding for which the Court cannot grant relief herein.

**IT IS HEREBY ORDERED** that Defendants’ Motion to the Court for a Scheduled Full Hearing Under Rule 37 Relief Pending Appeal, Doc. [237], and Motion to Vacate Sentence Pursuant to Rule (37) Relief Pending Appeal, Doc. [238], are **DENIED**.

Dated this 7th day of January, 2025.

  
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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE